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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/899,577

07/05/2001

Krzysztof Antoni Zaklika

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09/23/2004

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EXAMINER

WU, JINGGE

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,577

Applicant(s)

ZAKLIKA ET AL

Examiner

Jingge Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18, 21, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) 19, 20, 22, 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 9-11, 13, 16-18, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5874988 to Gu et al.

As to claim 1, Gu discloses a computer with a monitor viewable program that executes to display a histogram of image data on the monitor (fig.1, 900), the monitor contemporaneously displaying a screen image viewed on a monitor displaying the histogram (fig. 1, 900), and displays a digital or analog control element (fig. 4, 415b) that controls both compression and expansion of midtones (10 A-C, col. 22 line 66-col. 23 line 24, note that changing the peak, either compressing or stretching (expanding), is compression or expansion of midtones, see also, col. 2, lines 38-54), wherein activation of the midtone compression/expansion element accordingly alters the displayed image according to effects of programs underlying the control of the element (fig. 10 A-C, note that it is inherent changing midtones alters the displayed images which are matched with the reference image fig. 10B), this histogram display and element being associated on a single logical screen display in which at least one other image data modification effect is present on the screen image as a cursor addressable or keyboard selectable image data modification effect (figs. 1, 4, and 10, col. 7 line 6-col. 8 line 28, col. 9 line 63-col. 10 line 26, col. 22 line 66-col. 23 line 24).

As to claim 2, Gu further discloses the computer with a monitor viewable program of claim 1 wherein the at least one other image data modification effect includes at least one function selected from the group consisting of clipping, lightness adjustment, output range compression or expansion, access to multiple look-up table functions, and contrast adjustments (fig. 1, and 4, col. 23 lines 45-55, note that at least lightness adjustment (gain correction) and output range compression and expansion (gamma correction) are included).

As to claims 16-17, Gu further discloses wherein luminance of the image is calculated from a combination of the RGB channels for a color image either individually or by making independent changes at once or by using the brightness values directly for a grayscale image (fig. 1 and 4, col. 9 lines 49-62, col. 14, line 50-col. 15 line 65).

As to claims 18 and 21, Gu further discloses clipping low intensities (fig. 4, and 11 A-C, col. 23 lines 25-55).

As to claims 9-10, the elements of the claims are discussed with regard to claim 1.

As to claims 11 and 13, Gu further discloses the midtone adjusting (expansion and compression) program, are simultaneously incorporated into the image displayed (fig. 10A-C, col. 23 lines 25-55, note that the procedure of adjusting Gamma and thus midtone are done through the displayed histograms).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5, 6, 8, 12, 14-15, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gu in view of US 6266103 to Barton et al.

As to claim 3, Gu does not mention the slider that controls both compression and expansion.

Barton, in an analogous environment, discloses a slider (fig. 2, 65) to control (by user sliding the slider) both compression and expansion of the tone curve (fig. 3-4, and 6, col. 10 line 28-col. 11 line 65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Barton in the system of Gu in order to adjust gamma and contrast easily by the user through a single slider (Barton, col. 3 line 50-coll. 4 line 21). Doing so would speed the procedure of adjusting gamma of image and improve the quality and efficiency of the image color correction.

As to claim 12, the elements are discussed with regard to claim 1 and claim 3.

As to claims 4 and 6, Barton further discloses a single control (slider) that to control (by user sliding the slider) both compression and expansion of the tone curve (fig. 3-4, and 6, col. 10 line 28-col. 11 line 65).

As to claims 5 and 8, the elements are discussed with regard to claim 2.

As to claims 14-15, 24 and 25, the combination of Gu and Barton mentions photograph, video, TV image, but does not explicitly mention persons, animal, flora, scenery, stellar scenes, weather events, weather events, rooms, dwellings, vehicles, microscopic scenes, microscopic events, cartoon figures, or web graphics, as well as tilde function and gamma function

Examiner takes Official Notice that those features are notoriously well known in the art .

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Gu and Barton for those features in order to extend the applicability of the method of Gu and Barton.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gu and Barton in view of the article "image lightness rescaling using sigmoidal contrast enhancement functions" to Braum et al. (a reference or PTO 1449).

As to claim 7, Gu discloses all limitations (see claims 1-2) except combining active tone reproduction curve with histogram displayed on the screen.

Braum, , in an analogous environment, discloses the feature (fig. 3, page 383).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Braum in the system of Gu and Barton in order to adjust gamma and contrast easily by the user because the display.

Allowable Subject Matter

6. Claims 19-20, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22 and 23 depend from claim 19 are, thus, objected

Contact Information

7. Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally

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be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

